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Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI`I

ILIO'ULAOKALANI COALITION,
a Hawaii, nonprofit corporation;
NA'IMI PONO, a Hawaii
unincorporated association; and
KIPUKA, a Hawaii unincorporated
association,

Plaintiffs,

V.

ROBERT M. GATES, Secretary of
United States Department of
Defense; and FRANCIS J. HARVEY,
Secretary of the United States
Department of the Army,

Defendants.

)CIVIL NO.04-00502 DAE BMK
)
)DEFENDANTS' SECOND UNOPPOSED
)MOTION FOR EXTENSION OF TIME
)TO RESPOND TO PLAINTIFFS'
)MOTION TO CLARIFY;
)CERTIFICATE OF SERVICE

)Non-Hearing Motion

)

DEFENDANTS' SECOND UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO PLAINTIFFS' MOTION TO CLARIFY

Defendants hereby request a second extension of time to respond to Plaintiffs' Motion to Clarify December 29, 2006 Order Setting Interim Injunction. Defendants' response is currently due today, January 30, 2007. The requested extension would extend the date by which Defendants must respond to Plaintiffs' Motion to Clarify to February 13, 2007. This motion is unopposed and is submitted pursuant to LR 6.2(b).

In their Motion to Clarify, Plaintiffs have asked for modifications to the Court's current Injunction Order. The modifications incorporate several lengthy interrogatory responses and exhibits to depositions, but do not incorporate additional discovery provided by the Army during this litigation regarding the contours of training required to convert the 2nd Brigade of the 25th Infantry Division ("2/25") to a Stryker Brigade Combat Team ("SBCT"). Since Plaintiffs filed their motion for clarification, the Army has been diligently assessing the impacts of the modifications requested by Plaintiffs. The Army has reached some conclusions, but has not been able to fully analyze all limitations that would be created by the proposed order.

Thus, this extension of time is sought to allow Defendants to fully consider the proposed relief sought by Plaintiffs in their motion to clarify and to allow Defendants to prepare a

complete and thoughtful response that fully addresses each of the proposed modifications.

Timely requests for enlargement of time are liberally granted under Federal Rule of Civil Procedure 6(b). See, e.g., Galdi v. Jones, 141 F.2d 984, 992 (2d Cir. 1944) (upholding enlargement of time to move or plead under Rule 6(b)); Creedon v. Taubman, 8 F.R.D. 268, 269 (N.D. Ohio 1947) (stating, "Extensions always may be asked for, and usually are granted upon a showing of good cause, if timely made"); cf. Arroyo v. Wheat, 102 F.R.D. 516, 518 (D. Nev. 1984) (upholding enlargement of time for service of summons and complaint, stating "liberal extensions of time are permitted under Rule 6(b)").

Counsel for Defendants contacted Plaintiffs' counsel, David Henkin, who authorized counsel for Defendants to represent that Plaintiffs do not oppose this motion based upon Defendants' agreement to provide Plaintiffs with two weeks' advance notice before conducting any training outside the parameters sought by Plaintiffs in their Motion to Clarify (with the exception of off-road maneuvers at East Range described in a January 30, 2007 email from Defendants' counsel) and Defendants' further agreement that they will not give such two weeks' advance notice prior to February 28, 2007, which would allow Plaintiffs an opportunity to seek an expedited decision from the Court on their pending motion, if they so choose. Plaintiffs' counsel requested

Defendants' counsel to specify that Plaintiffs' non-opposition is solely to promote the efficient resolution of their Motion to Clarify and does not waive their right to object to the additional off-road maneuvers at East Range or any other Stryker training in Hawai'i.

Based upon the agreement of the parties and Defendants' desire to present a comprehensive and thoughtful response to Plaintiffs' Motion to Clarify, Defendants seek this extension of time until February 13, 2007, in which to respond to Plaintiffs' Motion to Clarify.

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/s/ Harry Yee

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

'ILIO'ULAOKALANI COALITION, a)	CIVIL NO. 04-00502 DAE-BMK
Hawai'i nonprofit corporation;)	
NA 'IMI PONO, a Hawai'i)	CERTIFICATE OF SERVICE
unincorporated association;)	
and KIPUKA, a Hawai'i)	
unincorporated association,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
DONALD H. RUMSFELD, Secretary)	
of Defense; and FRANCIS J.)	
HARVEY, Secretary of the)	
United States Department of)	
the Army,)	
)	
Defendants.)	
)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

David L. Henkin dhenkin@earthjustice.org

Isaac H. Moriwake imoriwake@earthjustice.org

Attorneys for Plaintiffs

DATED: January 30, 2007, at Honolulu, Hawaii.

/s/ Jan Yoneda
